

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>8/2/2023</u>

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE ACTOS ANTITRUST LITIGATION THIS DOCUMENT RELATES TO: ALL ACTIONS	Master File No. 1:13-cv-09244-RA-SDA
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**STIPULATED QUALIFIED PROTECTIVE ORDER REGARDING
NON-PARTY PRODUCTION OF PROTECTED HEALTH INFORMATION**

WHEREAS, on March 18, 2015, the Court entered a Stipulated Protective Order in the above-captioned litigation (the “Actions”);

WHEREAS, the March 18, 2015 Stipulated Protective Order stated that it may be amended “[b]y written agreement of the parties, or upon order of the Court”;

WHEREAS, the parties have served subpoenas upon non-parties pursuant to Rule 45 of the Federal Rules of Civil Procedure, and one or more non-parties has agreed to produce subpoenaed information only upon entry of a qualified protective order pursuant to the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”);

WHEREAS, the parties have stipulated to and seek the Court’s entrance of a qualified Protective Order concerning non-party production of “protected health information” pursuant to HIPAA;

WHEREAS, the parties, through their respective counsel of record, hereby stipulate to and request that the Court “So Order” the following:

1. The parties and their attorneys, and any future parties and their attorneys, in the Actions are hereby authorized to receive, subpoena, and transmit “protected health information” produced by non-parties to the extent and subject to the conditions outlined herein.

2. For the purposes of this qualified protective order, “protected health information” shall have the same scope and definition as set forth in 45 C.F.R. §§ 160.103 and 164.501. Protected health information includes, but is not limited to, health information, including demographic information

relating to either: (a) the past, present, or future physical or mental condition of an individual; (b) the provision of care to an individual; or (c) the payment for care provided to an individual, which identifies the individual or which reasonably could be expected to identify the individual.

3. All non-party “covered entities” (as defined by 45 C.F.R. § 160.103) are hereby authorized to disclose protected health information to attorneys representing Plaintiffs and Defendants in the Actions.

4. The parties and their attorneys shall be permitted to use or disclose the protected health information of non-parties for purposes of prosecuting or defending the Actions, including any appeals. This includes, but is not limited to, disclosure to their attorneys, experts, consultants, court personnel, court reporters, copy services, trial consultants, and other entities or persons involved in the litigation process.

5. Prior to disclosing protected health information to persons involved in the Actions, counsel shall inform each such person that the protected health information may not be used or disclosed for any purpose other than the Actions. Counsel shall take all other reasonable steps to ensure that persons receiving the protected health information do not use or disclose such information for any purpose other than the Actions.

6. Within 45 days after the conclusion of the Actions, including appeals, the parties, their attorneys, and any person or entity in possession of protected health information received from counsel pursuant to paragraph four of this Order, shall return the protected health information to the covered entity or destroy any and all copies of protected health information, except that counsel are not required to secure the return or destruction of protected health information submitted to the court.



United States Magistrate Judge

Dated: 8/2/2023

Date: August 2, 2023

/s/ Gregory T. Arnold

Thomas M. Sobol
Gregory T. Arnold
Rachel Downey
Abbye Klamann Ognibene
HAGENS BERMAN SOBOLO SHAPIRO LLP
55 Cambridge Parkway, Suite 301
Cambridge, MA 02142
Tel: (617) 482-3700
Fax: (617) 482-3003
tom@hbsslaw.com
grega@hbsslaw.com
racheld@hbsslaw.com
abbyeo@hbsslaw.com

Counsel for plaintiff Meijer, Inc., Meijer Distribution, Inc., and interim co-lead counsel for the proposed direct purchaser class

Joseph M. Vanek
John Bjork
Ashima Talwar
Trevor Scheetz
David P. Germaine
SPERLING & SLATER, P.C.
55 W. Monroe, Suite 3500
Chicago, IL 60603
Telephone: (312) 224-1500
Facsimile: (312) 224-1510
jvanek@sperling-law.com
jbjork@sperling-law.com
atalwar@sperling-law.com
tscheetz@sperling-law.com
dgermaine@sperling-law.com

Counsel for plaintiffs Meijer, Inc. and Meijer Distribution, Inc. and the proposed direct purchaser class

Linda P. Nussbaum
Brett Leopold
Peter Moran
NUSSBAUM LAW, P.C.
1211 Avenue of the Americas,
40th Floor
New York, NY 10036-8718

Respectfully submitted,

/s/ Steve D. Shadowen

Steve D. Shadowen*
Matthew C. Weiner
Tina Miranda
Deirdre Mulligan
HILLIARD & SHADOWEN LLP
1135 W. 6th St.
Suite 125
Austin, TX 78703
Telephone: (855) 344-3298
steve@hilliardshadowenlaw.com
matt@hilliardshadowenlaw.com
tmiranda@hilliardshadowenlaw.com
dmulligan@hilliardshadowenlaw.com
*Interim Co-Lead Counsel

Jayne A. Goldstein, Esq.*
MILLER SHAH LLP
1625 N. Commerce Parkway
Suite 320
Ft. Lauderdale, FL 33326
Direct Dial: 954-903-3170
954-515-0123
jagoldstein@millershah.com
*Interim Co-Lead Counsel

Natalie Finkelman Bennett
MILLER SHAH LLP
1845 Walnut St., Suite 806
Philadelphia, PA 19103
P: (866) 540-5505
nfinkelman@millershah.com

Laurie Rubinow
MILLER SHAH LLP
875 Third Avenue, Suite 800
New York, NY 10022
Telephone: (212) 419-0156
lrubinow@millershah.com
Interim Liaison Counsel

Kenneth A. Wexler*
Kara A. Elgersma
Justin Boley
Tyler Story
WEXLER BOLEY & ELGERSMA LLP
55 W. Monroe Street, Suite 3300
Chicago, IL 60603

(917) 438-9189
lnussbaum@nussbaumpc.com
bleopold@nussbaumpc.com
pmoran@nussbaumpc.com

*Counsel for Plaintiff César Castillo, Inc. and
the proposed direct purchaser class*

Telephone: (312) 346-2222
Facsimile: (312) 346-0022
kaw@wbe-llp.com
kae@wbe-llp.com
jnb@wbe-llp.com
tjs@wbe-llp.com
* Interim Co-Lead Counsel

Michael M. Buchman*
MOTLEY RICE LLC
777 Third Avenue, Fl 27
New York, New York 10017
Telephone: (212) 577-0040
MBuchman@motleyrice.com
*Interim Co-Lead Counsel

Sharon K. Robertson
Donna M. Evans
Aaron J. Marks
COHEN MILSTEIN SELLERS & TOLL, PLLC
88 Pine Street, 14th Floor
New York, NY 10005
Telephone: (212) 838-7797
Facsimile: (212) 838-7745
srobertson@cohenmilstein.com
devans@cohenmilstein.com
amarks@cohenmilstein.com

Counsel for the proposed end-payor class

/s/ Rachel J. Rodriguez

Mark M. Elliott

Rachel J. Rodriguez

ELLIOTT KWOK LEVINE &

JAROSLAW LLP

565 Fifth Avenue, 7th Floor

New York, NY 10017

(212) 321-0510

melliott@ekljlaw.com

rrodriguez@ekljlaw.com

Counsel for Defendants Takeda

Pharmaceutical Company Limited, Takeda

Americas Holdings, Inc., Takeda

Pharmaceuticals U.S.A. Inc., and Takeda

Development Center Americas, Inc.